

Introduced by Senator Romero

February 18, 2004

An act to add Section 5471.5 to the Health and Safety Code, relating to sanitation and sewers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1387, as introduced, Romero. Sanitation and sewers: recycling facility.

Existing law provides that an entity, including, but not limited to, a county, city, county sanitation district, or sewer maintenance district, has power, by an ordinance approved by a $\frac{2}{3}$ vote of the members of the legislative body thereof, to prescribe, revise, and collect fees, tolls, rates, rentals, or other charges for services and facilities furnished by it in connection with its water, sanitation, storm drainage, or sewerage system. Existing law requires that those revenues be used only for purposes, including, but not limited to, acquisition and construction of sanitation or sewerage facilities.

This bill would prohibit a county sanitation district with jurisdiction in a county with a population exceeding 5 million people from using the revenue derived from those water, sanitation, storm drainage, or sewerage system services and facilities to acquire or develop land, or place improvements upon land for purposes of creating a materials recycling facility with a capacity of over 4,000 tons a day, unless the project is approved by a $\frac{2}{3}$ vote of the residents of the affected district, taking place at the next regularly scheduled general election in the county where the district is authorized to do business.

Because an election held pursuant to these provisions would increase the duties of county election officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5471.5 is added to the Health and Safety
2 Code, to read:
3 5471.5. Notwithstanding Section 5471, a county sanitation
4 district with jurisdiction in a county with a population exceeding
5 5 million people may not use the revenue derived under Section
6 5471 to acquire or develop land, or place improvements upon land
7 for purposes of creating a materials recycling facility with a
8 capacity of over 4,000 tons a day, unless the project is approved
9 by a two-thirds vote of the residents of the affected district, taking
10 place at the next regularly scheduled general election in the county
11 where the district is authorized to do business.

12 SEC. 2. Notwithstanding Section 17610 of the Government
13 Code, if the Commission on State Mandates determines that this
14 act contains costs mandated by the state, reimbursement to local
15 agencies and school districts for those costs shall be made pursuant
16 to Part 7 (commencing with Section 17500) of Division 4 of Title
17 2 of the Government Code. If the statewide cost of the claim for
18 reimbursement does not exceed one million dollars (\$1,000,000),
19 reimbursement shall be made from the State Mandates Claims
20 Fund.

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